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August 12, 2016

Vote of the Court:

	Yes	No	Abstain
Judge Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Locke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Morman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**AGENDA LETTER**

Commissioners Court  
1001 Preston, 9<sup>th</sup> Floor  
Houston, TX 77002

Dear Court Members:

The following item is recommended for the Commissioners Court Agenda of August 23, 2016:

The Juvenile Curfew Review Committee has completed its review of the Juvenile Curfew Order, its effects on the community as well as the problems the Juvenile Curfew was intended to remedy. The committee conducted a Public Hearing on the need to continue the Juvenile Curfew. This hearing was held on August 9, 2016.

It is the opinion of the Juvenile Curfew Review Committee that the current Juvenile Curfew (12-midnight until 6 a.m.) has been important in deterring criminal conduct involving juveniles, has reduced the number of juveniles victimized by crime, and continues to be a useful and effective tool for law enforcement in dealing with juvenile crime.

The Juvenile Curfew Review Committee recommends for your consideration that the current Juvenile Curfew be continued, and the Order Continuing the Juvenile Curfew, Containing Findings and Other Provisions Relating to the Curfew, Declaring Certain Conduct to be Unlawful, and Providing Penalties, and Providing for Severability, effective October 1, 2016, be adopted.

Presented to Commissioners' Court

AUG 23 2016

APPROVE C/L

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16 AUG 16 PM 3:50

HARRIS COUNTY  
BUDGET MANAGEMENT  
DEPARTMENT

All Depts  
Budget (Dam)-cop 1  
Co Judge - cop 1  
Comm. Radack - cop 1  
Co. Atty - cop 1  
Lana - cop 1

In accordance with the provisions of Texas Local Government Code 370.002, Commissioners Court must act before October 1, 2016, the third year after the adoption of the Juvenile Curfew effective October 1, 2013, to abolish, continue, or modify the Curfew. I respectfully request the Court act to adopt the Harris County Juvenile Curfew.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Emmett", followed by a small flourish or mark.

Ed Emmett  
County Judge

EME/DPA  
Attachment

THE STATE OF TEXAS     §  
                                  §  
COUNTY OF HARRIS     §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on AUG 23 2016, with the following members present, to-wit:

Ed Emmett	County Judge
Gene L. Locke	Commissioner, Precinct No. 1
Jack Morman	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

and the following members absent, to-wit:

none,  
constituting a quorum, when among other business, the following was transacted:

ORDER CONTINUING THE JUVENILE CURFEW, CONTAINING FINDINGS AND  
OTHER PROVISIONS RELATING TO THE CURFEW, DECLARING CERTAIN  
CONDUCT TO BE UNLAWFUL, AND PROVIDING PENALTIES, AND  
PROVIDING FOR SEVERABILITY

Commissioner Cagle introduced an Order and made a motion that the same be adopted. Commissioner Locke seconded the motion for adoption of the Order. The motion, carrying with it the adoption of the Order, prevailed by the following vote:

	Yes	No	Abstain
Judge Ed Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Gene L. Locke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Jack Morman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Steve Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the Order had been duly and lawfully adopted. The Order thus adopted follows:

Presented to Commissioners' Court

AUG 23 2016

APPROVE C/L

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ORDER CONTINUING THE JUVENILE CURFEW, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT, DECLARING CERTAIN CONDUCT TO BE UNLAWFUL, AND PROVIDING PENALTIES THEREFORE, AND PROVIDING FOR SEVERABILITY

*Preamble*

The Commissioners Court of Harris County finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, or disability, to be secure and protected from intimidation and physical harm caused by the activities of violent groups and individuals.

The Commissioners Court of Harris County has determined that juvenile violence, juvenile gang activity, and crimes by and against persons under the age of seventeen continue in the unincorporated areas of Harris County.

Persons under the age of seventeen are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime.

The Commissioners Court of Harris County has an obligation for the protection of minors from each other and from other persons, for the enforcement of parental control of and responsibility for their children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

It is not the intent of this Order to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. Further, the juvenile curfew shall be enforced without respect to race, color, creed, religion, national origin, sex, or disability.

It is the opinion of the Commissioners Court that parents and guardians have a responsibility to supervise and control their minor children.

Pursuant to Tex. Loc. Gov't. Code Ann. §351.903, as amended, the Commissioners Court has the power to adopt a curfew to regulate, in the unincorporated areas of Harris County, the movements or actions of persons under seventeen years of age during the period beginning one-half hour after sunset and extending until one-half hour before sunrise or during school hours, or both.

A public hearing was held for the purposes of obtaining written and testimonial information concerning the effects of the curfew on the community and on problems the curfew was intended to remedy, and the need to continue, modify, or abolish the curfew.

A curfew for those under seventeen years of age will be in the best interest of the public health, safety, and general welfare and will help attain the foregoing objectives and diminish the undesirable impact of such conduct on the citizens of Harris County. The

current juvenile curfew has been important in deterring criminal conduct involving juveniles, has reduced the number of juveniles committing crime, and continues to be a useful and effective tool for law enforcement in dealing with juvenile crime.

It is the opinion of the Commissioners Court that in order to preserve the public peace, health, safety, and welfare of the citizens of Harris County, the juvenile curfew should be continued.

### ***ORDER***

BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

Section 1. The facts and matters set forth in the preamble of this Order are determined to be true and correct and are adopted as part of this Order.

Section 2. *Purpose.* It is the express purpose of this Order to deter criminal conduct involving juveniles, reduce the number of juvenile crime victims, reduce injury from accidents involving juveniles, reduce the additional time peace officers are required to be in the field due to juvenile crime, provide additional and more effective means and options for dealing with gang-related violence and crime, reduce juvenile peer pressure to stay out late, reduce juvenile peer pressure to participate in violent or criminal activities, and assist parents in the control of their children.

Section 3. *Definitions.* The following words, terms, and phrases when used in this Order shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

*Adult* means any person seventeen years of age or older.

*Curfew hours* means the period between the hours of twelve o'clock a.m. (midnight) until 6:00 a.m., on any day of the week.

*Custodian* means the adult with whom the minor resides or an adult authorized or designated by a parent, guardian, or a court of competent jurisdiction to supervise and control a minor.

*Emergency* means an unforeseeable combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, vehicular accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

*Establishment* means any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement or entertainment.

*Guardian* means the person who, under court order, is the guardian of the person of the child or the public or private agency with whom the child has been placed by a court.

*Minor* means any person under seventeen years of age.

*Operator* means any individual, firm, association, partnership, or corporation that operates, manages or conducts any establishment and includes the members of an association, partners of a partnership, and the officers of a corporation.

*Order* means the "Order Continuing the Juvenile Curfew, Containing Findings and Other Provisions Relating to the Foregoing Subject, Declaring Certain Conduct to be Unlawful, and Providing Penalties, and Providing for Severability," adopted on August 27, 2013, and effective October 1, 2013.

*Parent* means the mother, the father, stepparent, or an adoptive parent of a child and includes a managing conservator, joint managing conservator, and possessory conservator appointed by court order, but does not include a parent whose parental rights have been terminated.

*Peace officer* is a person elected, employed, or appointed as a peace officer under TEX. CODE CRIM. PROC. art. 2.12, TEX. EDUC. CODE §§ 37.081, 51.203, 51.212, or 51.214, or other law.

*Public place* means any place or establishment to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, office buildings, transport facilities, restaurants, theaters, game rooms, shops, and shopping centers.

*Remain* means:

- (a) to linger or stay; or
- (b) to fail to leave premises when requested to do so by a peace officer or the owner, operator, or other person in control of the premises.

*Responsible Adult* means a parent, guardian, or custodian.

*Serious bodily injury* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

*Unincorporated Harris County* means that portion of Harris County, Texas, that is not within the corporate boundaries of a municipality, town, or village.

## Section 5. *Offenses.*

- 5.1 A minor commits an offense if the minor knowingly remains, walks, runs, stands, drives, rides, or otherwise is present about, in, or upon any public place in unincorporated Harris County during curfew hours.
- 5.2 A Responsible Adult commits an offense if the Responsible Adult knowingly allows or permits the minor to remain, walk, run, stand, drive, ride, or otherwise be present about, in, or upon any public place in unincorporated Harris County during curfew hours.
- 5.3 The owner, operator, or any other person in control of a public place commits an offense if that person knowingly allows or permits a minor to remain upon the premises of the public place during curfew hours.
- 5.4 Violations of this section shall be punishable as provided in Section 9 of this Order.

## Section 6. *Defenses.*

- 6.1 It shall be a defense to prosecution under Section 5.1 of this Order that the minor was:
  - (a) accompanied by a Responsible Adult;
  - (b) in a motor vehicle or aircraft involved in interstate travel with the consent of a Responsible Adult;
  - (c) engaged in a lawful employment activity, or going to or returning home from a lawful employment activity, without detour or stop;
  - (d) involved in an emergency;
  - (e) on the sidewalk, abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to a peace officer about the minor's presence;
  - (f) attending, engaging in, participating in, or traveling to or from
    - (1) a school-sponsored or church-affiliated activity or
    - (2) a recreational activity supervised by adults and sponsored by
      - (i) a governmental entity,
      - (ii) a civic, non-profit organization, or
      - (iii) another similar entity that takes responsibility for the minors attending or participating; or
  - (g) is or was married or had disabilities of minority removed by order entered by a court of competent jurisdiction.
- 6.2 It is a defense to prosecution under Section 5.3 that the owner, operator, or other person in control of a public place promptly notified a peace officer that a minor was present on the premises of the public place during curfew hours and refused to leave.

Section 7. *Supplemental Effect.* The provisions of this Order are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

Section 8. *Enforcement.*

- 8.1 The provisions of this Order may be enforced by any peace officer. Each law enforcement agency which enforces these regulations shall designate juvenile curfew processing offices to be used by its respective peace officers when enforcing this Order.
- 8.2 Before taking any enforcement action under this Order, a peace officer shall ask the alleged offender's age and reason for being in the public place. The peace officer taking a minor into custody for violation of this Order shall, without unnecessary delay:
- (a) release the minor to the minor's parent, guardian, or custodian;
  - (b) take the minor before a justice court to answer the charge; or
  - (c) take the minor to one of the designated juvenile curfew processing offices.

Section 9. *Penalties.* An offense under this Order is a Class C misdemeanor.

Section 10. *Severability.* The provisions of this Order are severable. If any word, phrase, clause, sentence, section, provision, or part of this Order should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Commissioners Court that this Order would have been adopted as to the remaining portions, regardless of the invalidity of any part.

Section 11. *Effective Date.* This Order shall continue the Order adopted on August 27, 2013, effective October 1, 2013, Continuing the Juvenile Curfew, Containing Findings and Other Provisions Relating to the Curfew, Declaring Certain Conduct to be Unlawful, and Providing Penalties, and Providing for Severability, and shall be effective as of October 1, 2016.



REVIEW AND RECOMMENDATIONS OF THE HARRIS COUNTY JUVENILE CURFEW COMMITTEE PRIOR TO RECONSIDERATION OF THE ORDER ESTABLISHING A JUVENILE CURFEW, CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE CURFEW, DECLARING CERTAIN CONDUCT TO BE UNLAWFUL, AND PROVIDING PENALTIES, AND PROVIDING FOR SEVERABILITY, EFFECTIVE OCTOBER 1, 2016

1. Appointment of Committee.

On July 19, 2016, the Commissioners Court appointed a Juvenile Curfew Review Committee to review the existing Harris County Juvenile Curfew and to recommend any changes for Commissioners Court consideration.

Members of the Juvenile Curfew Review Committee include:

Mr. Doug Adkinson, representing Hon. Ed Emmett, County Judge  
Mr. Sidney Braquet, representing Hon. Gene L. Locke, Commissioner Precinct 1  
Ms. Hattie Miranda, representing Hon. Jack Morman, Commissioner, Precinct 2  
Mr. Steve Dorman, representing Hon. Steve Radack, Commissioner Precinct 3  
Ms. Ella Edmiston, representing Hon. R. Jack Cagle, Commissioner Precinct 4  
Ms. Katie Chancia, Staff Attorney, Harris County Justice Courts  
Mr. John Brewer, representing District Attorney Devon Anderson  
Mr. Mark Herman, Constable, Precinct 4  
Ms. Debbie Martinez, representing Justice of the Peace Lincoln Goodwin  
Lieutenant John Parker, representing Sheriff Ron Hickman  
Mr. Henry Gonzales, representing the Juvenile Probation Department  
Ms. Ginger Harper and Mr. Jeff Alexander, representing Protective Services Department

2. Public Hearing.

A. Notice of Hearing.

On July 19, 2016, Commissioners Court scheduled a public hearing to be held on Tuesday, August 9, 2016, at 11:00 A.M. in Commissioners Courtroom, 1001 Preston, 9th Floor, Houston, Texas 77002, on the need to continue the Harris County Juvenile Curfew. Notice of the hearing was posted at the Courthouse Complex and on Harris County's Web Site and was sent via email to all who participated in the curfew review of 2013.

B. Hearing.

The hearing was convened on August 9, 2016, at 11:00 A.M., in Commissioners Courtroom, 1001 Preston, 9th Floor, Houston, Texas 77002, by Doug Adkinson, Chairman of the Juvenile Curfew Review Committee representing County Judge Ed Emmett. The following persons were present at the hearing:

Committee Members:

Mr. Doug Adkinson, representing Hon. Ed Emmett, County Judge  
Mr. Sidney Braquet., representing Hon. Gene L. Locke, Commissioner Precinct 1  
Ms. Hattie Miranda, representing Hon. Jack Morman, Commissioner Precinct 2  
Mr. Steve Dorman, representing Hon. Steve Radack, Commissioner Precinct 3  
Ms. Ella Edmiston, representing Hon. R. Jack Cagle, Commissioner Precinct 4  
Ms. Katie Chancia, Staff Attorney, Harris County Justice Courts  
Mr. John Brewer, representing District Attorney Devon Anderson  
Lieutenant John Parker, representing Sheriff Ron Hickman  
Ms. Ginger Harper and Mr. Jeff Alexander, representing Protective Services Department  
Mr. Henry Gonzales, representing the Juvenile Probation Department  
Mr. Tommy Ramsey and Erin Vincent, representing County Attorney Vince Ryan

The following citizens addressed the Committee:

Spring ISD Chief of Police Victor Mitchell spoke in favor of adding a daytime curfew

3. Committee's Review of Curfew's Effect.

A. Statistics and Comments Received by the Committee.

From January 1, 2013 through May 31, 2016 a total of 293 nighttime curfew violations were filed in the Harris County Justice Courts. From May 31, 2015 through May 31, 2016 a total of 151 City of Houston daytime curfew violations and a total of 187 City of Houston nighttime curfew violations were filed with the Houston Municipal Courts. From May 31, 2015 through May 31, 2016 a total of 310 City of Pasadena daytime curfew violations and a total of 166 nighttime curfew violations were filed with the Pasadena Municipal Courts.

Henry Gonzales representing the Harris County Juvenile Probation Department (HCJPD) stated that HCJPD does not support the addition of a daytime curfew.

Lieutenant John Parker, representing the Harris County Sheriff's Office stated that Sheriff Ron Hickman does not support the addition of a daytime curfew. He reported that the County's Nighttime Curfew was an effective tool for both law enforcement and parents. HCSO deputies make every effort to use the curfew in a judicious and efficient manner in dealing with late evening crime. The Harris County Sheriff supports the current nighttime curfew.

Spring ISD Chief of Police Victor Martinez spoke in favor of Harris County adding a daytime curfew. Chief Martinez stated a daytime curfew would give his department an additional resource to address truant behavior and juvenile-related crime in Spring ISD. Chief Martinez also proposed that a daytime curfew be only considered for Spring ISD.

Only one email was received and considered by the Committee. That email stated opposition to a daytime curfew.

4. Findings.

Due to the decriminalization of truancy by the Texas Legislature the Committee determined that any changes to County curfew policy that would only affect one school district would be best addressed by the legislature and not by the imposition of a daytime curfew by the County. Existing law permits school districts to respond to school campus security and truancy with existing resources. One such resource are the case managers assigned to the school districts by the Harris County Protective Services Department. This resource appears to be a more effective method of reducing student absence from school than imposing a daytime curfew by one particular school district.

5. Conclusions.

It is the opinion of the Committee that the County's Nighttime Curfew has been an important tool in deterring criminal conduct involving juveniles, has reduced the number of juveniles victimized by crime, and continues to be a useful and effective means for law enforcement in dealing with juvenile crime. Furthermore, it is the opinion of a majority of the Committee that the institution of a Daytime Curfew is not needed at this time.

6. Recommendation.

The Committee recommends for Commissioners Court's consideration that the Curfew be continued, and that the Order Establishing a Juvenile Curfew, Containing Findings and Other Provisions Relating to the Foregoing Subject, Declaring Certain Conduct to be Unlawful, and Providing Penalties therefore, and Providing for Severability, adopted September 14, 2013, and effective October 1, 2013, be continued October 1, 2016 through September 30, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Doug Adkinson".

Doug Adkinson, Chairman  
Juvenile Curfew Review Committee